

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
GENERAL ORDER 19-0003

**In Re: Petitions for Reduction of Imposed Sentences for
Retroactive Application of the Fair Sentencing Act
Pursuant to Section 404 of the First Step Act**

It appearing that on December 21, 2018, the President signed S. 756, the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194, (“the Act”) which implements reforms to the criminal justice system, including sentencing and prison reform;

It further appearing that Section 404 of the Act retroactively applies the reduced penalties available for covered offenses under the Fair Sentencing Act of 2010, Pub. L. 111-220, 124 Stat. 2372 (“the FSA”), to offenses committed before August 3, 2010;

It further appearing that a court that imposed a sentence for a covered offense may, on its own motion or on the motion of the defendant, impose a reduced sentence as if the FSA was in effect at the time the offense was committed;

It further appearing that it is in the interest of efficient judicial administration to establish consistent procedures be followed in the handling of requests seeking a reconsideration of a sentence pursuant to the Act; therefore

It is hereby ordered that the procedures listed below will apply to any such request filed with this Court.

1. It is ordered that the Federal Defender Program for the Northern District of Illinois is to be notified of all *pro se* filings under Section 404 of the Act and is appointed generally for all cases arising in this district under Section 404 of the Act where the defendant desires appointment of counsel and financially qualifies for such appointment.
2. It is hereby ordered that, upon request, the Probation Office shall disclose to the United States Attorney’s Office and the Federal Defender Program any documents necessary for resolution of any motion made or to be made pursuant to Section 404 of the Act. Such documents may include 1) pre-sentence investigation reports; 2) judgment orders; and 3) statements of reasons. All other restrictions that normally apply to dissemination of any of these kinds of records remain in effect.
3. Representatives from the United States Attorney’s Office for the Northern District of Illinois and the Federal Defender Program shall confer to identify petitioners who may be eligible for sentence reconsideration. In those cases where an agreement is reached as to a specific sentence, the parties shall file a

statement with the Court indicating the agreement of the parties. In cases in which there is no agreement, defense counsel may file any document defense counsel deems appropriate. Government counsel should be given an opportunity to respond to whatever motion defendant files before the court takes action. The court will then take appropriate action, depending on the nature of the document and the remedy sought. (which may include further investigation by the Probation Office)

4. All cases subject to this order shall be assigned pursuant to Local Rule 40.3(b)(5).
5. The Clerk of Court is directed to send copies of this order to the Federal Defender Program and the United States Attorney and to post this order to the Court's website.
6. The Clerk of Court is further directed to provide notice to the Federal Defender Program and the United States Attorney in each case relevant to the issues discussed in this order and to send a copy of this order to any petitioner seeking a reduced sentence pursuant Section 404 of the Act.

ENTER:

FOR THE COURT



Hon. Rubén Castillo, Chief Judge

Dated at Chicago, Illinois this 2nd day of January, 2019.